



**CITY OF CORNING
CITY COUNCIL MINUTES**

**TUESDAY, NOVEMBER 25, 2008
CITY COUNCIL CHAMBERS
794 THIRD STREET**

A. CALL TO ORDER: 6:30 p.m.

B. ROLL CALL:

Council:

**Hill
Dickison
Zuniga
Turner
Strack**

Mayor:

All Council members were present.

C. ADJOURN TO CLOSED SESSION:

**CONFERENCE WITH LABOR NEGOTIATOR PURSUANT TO SECTION 54957.6:
Agency Negotiator: William May, Labor Relations Consultant;
Public Safety Employee Unit; and
Dispatch Employee Unit**

D. RECONVENE AND REPORT ON CLOSED SESSION: 7:30 P.M.

Council reconvened the meeting and reported that they had met with the Labor Negotiator and gave him direction relating to the Public Safety Employee Unit and the Dispatch Employee Unit.

E. INVOCATION AND PLEDGE OF ALLEGIANCE:

City Manager Stephen Kimbrough led the Pledge of Allegiance.

F. PROCLAMATIONS, RECOGNITION'S, APPOINTMENTS: None

G. NOLAN SCHLERETH, CORNING HIGH SCHOOL LIAISON REPORT: Not Present.

H. BUSINESS FROM THE FLOOR:

John Leach, Councilor elect thanked the Council and City Staff for the card during his recent surgery.

Dean Cofer, on behalf of his wife and himself thanked City Council, City Staff, the Chamber of Commerce and Hometown Revitalization for all that they do for the City.

Joe DeScala thanked the City Clerk for her assistance with obtaining a copy of the Budget. He also presented the Council with information obtained from the internet on various professional grant writers.

Mr. DeScala asked the following questions:

- Amount of funding in the road fund.
- Is there a line item in the Budget for Deferred Agreements that show the amount of funding under each line item; Public Works Director John Brewer stated that the amount in this fund is the amount he paid, \$2,500.
- The minutes relate to an upcoming Planning Commission Study Session, Mr. DeScala stated that he would like to clarify the process. He stated that he believes the process is flawed and there might be a better process. He confirmed that the Study Session would be scheduled for the third meeting in January, however a letter from him with his request needs to be given to John Stoufer prior to the meeting to be agendaized.

Harry Zemansky addressed the Council regarding the proposed USDA Rural Development Loan for the Theatre. He stated he can't see how we can consider a \$400,000 Loan for the Theatre when he believes there is a 50-50 chance of the economy entering a Depression. He stated he doesn't see the City entering into this loan and paying from the General Fund at this time due to the economy.

- I. **CONSENT AGENDA:** It is recommended that items listed on the Consent Agenda be acted on simultaneously unless a Councilmember or members of the audience requests separate discussion and/or action.
1. **Waive reading, except by title, of any Ordinance under consideration at this meeting for either introduction or passage, per Government Code Section 36934.**
 2. **Waive the Reading and Approve the Minutes of the November 13, 2008 with any necessary corrections.**
 3. **November 19, 2008 Claim Warrant - \$235,777.80.**
 4. **Business License Report – November 19, 2008.**
 5. **Approve Contract Change Order No. 1 to increase the Safe Routes to School, Cycle 7 Contract by \$6,300.**
 6. **Select Airport Consultant and Approve Agreement for Professional Services with Wadell Engineering Corporation.**
 7. **Authorize Staff to Negotiate Agreement with Rainbow Aviation as Airport Fixed Base Operator (FBO).**

Councilor Turner requested that Consent Item number 6 be pulled for further information.

Without further discussion, Councilor Turner moved to approve Consent Items 1-5 and 7. Councilor Hill seconded the motion. **Ayes: Strack, Hill, Dickison, Zuniga and Turner. Opposed: None. Absent/Abstain: None. Motion approved by a 5-0 vote.**

J. **ITEMS REMOVED FROM THE CONSENT AGENDA:**

6. **Select Airport Consultant and Approve Agreement for Professional Services with Wadell Engineering Corporation.**

Councilor Turner asked if the City had pursued any other Consultant, especially since we are committing this large amount of money stating are we getting the best bang for our buck? City Manager Kimbrough stated that the dollar amount is set by FAA and is pretty much a standard cost. He also stated that Staff recommends Mr. Wadell reasoning that to bring someone new into the mix would ensue a loss of time in bringing someone else up to speed, etc.

With no further discussion, Councilor Turner moved to approve Consent Item 6. Councilor Hill seconded the motion. **Ayes: Strack, Hill, Dickison, Zuniga and Turner. Opposed: None. Absent/Abstain: None. Motion approved by a 5-0 vote.**

- K. **PUBLIC HEARINGS AND MEETINGS:** Any person may speak on items scheduled for hearing at the time the Mayor declares the Hearing open. **ALL LEGAL NOTICES PUBLISHED IN ACCORDANCE WITH LAW.** None.

- L. **REGULAR AGENDA:** All items listed below are in the order which we believe are of most interest to the public at this meeting. However, if anyone in the audience wishes to have the order of the Agenda changed, please come to the podium, state your name and address, and explain the reason you are asking for the order of the Agenda to be changed.

7. Rodgers Theatre: Discussion and Action on Establishing a Non-Profit Corporation and Seeking Tax-Exempt Status.

Mayor Strack introduced this item by title and City Attorney Michael Fitzpatrick highlighted the information presented to the Council. He outlined the process stating that he does have experience with setting up the non-profit, however he advised the Council to have an accountant handle the tax exemption status. City Manager Kimbrough suggested that the City Accountant Roy Seiler could do this for the City. City Attorney Fitzpatrick stated that although the City would be setting it up, a separate group selected by the Council would oversee it.

Dean Cofer asked who retains the owner of the Theatre? He was informed that whether the City would retain ownership of the Theatre would be decided at a later date.

Councilor Dickison moved to authorize the City Attorney to seek advice from a qualified accountant about which type of tax status would best suit the City's needs and draft the documents needed to establish a Non-Profit Public Benefit Corporation for the Rodgers Theatre on behalf of those persons willing to be part of the sponsoring community group. Councilor Hill seconded the motion. **Ayes: Strack, Hill, Dickison, Zuniga and Turner. Opposed: None. Absent/Abstain: None. Motion approved by a 5-0 vote.**

8. Extension of Workers Compensation and Liability Coverage to Friends of Rodgers Theatre Volunteers.

Mayor Strack introduced this item by title. City Manager Kimbrough then explained the process that allows coverage under City policies.

Councilor Hill moved to approve the recognition of and extend Workers Compensation and Liability Coverage to Corning "Friends of Rodgers Theatre" Volunteers while actively engaged in Theatre restoration activities at the Rodgers Theatre, including the Public Right of Way both in front of and behind the Theatre. Councilor Dickison, seconded the motion. **Ayes: Strack, Hill, Dickison, Zuniga and Turner. Opposed: None. Absent/Abstain: None. Motion approved by a 5-0 vote.**

M. ITEMS PLACED ON THE AGENDA FROM THE FLOOR: None.

N. COMMUNICATIONS, CORRESPONDENCE AND INFORMATION: None.

O. REPORTS FROM MAYOR AND COUNCIL MEMBERS:

9. Hill: Reported on her attendance at the League of CA Cities meeting. She reported on the 2009 League Strategic Goals.

10. Dickison: Reported on her attendance at the Tripartite Board stating that her term ends December 31, 2008 and they would like her to continue serving until the end of her term. She also reported on upcoming programs and meeting schedules.

11. Zuniga: None.

12. Turner: None.

13. Strack: Reported on the meeting he and Becky attended today to discuss the City entry Arch Signs stating that it will be Agendized for the December 9th City Council meeting. He also announced the addition of the recording of the Council meetings on the City web page. City Clerk Lisa Linnet stated more information on this will be agendized for the December 9th meeting.

P. ADJOURNMENT!: 8:15 p.m

Lisa M. Linnet, City Clerk